

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Authorizing Permissive Use of the “Next Generation” Broadcast Television Standard)	GN Docket No. 16-142
)	
)	

**JOINT REPLY COMMENTS OF THE
ABC, CBS, FBC AND NBC TELEVISION AFFILIATES**

The ABC Television Affiliates Association, CBS Television Network Affiliates Association, FBC Television Affiliates Association, and NBC Television Affiliates (collectively, the “Affiliates Associations”)¹ submit these reply comments in response to the Notice of Proposed Rulemaking (“NPRM”)² in the above-captioned proceeding. In the NPRM, the Federal Communications Commission (“Commission”) requests public comment on a proposal to authorize television broadcasters to use the “Next Generation” broadcast television transmission standard associated with the work of the Advanced Television Systems Committee (“ATSC 3.0”) on a voluntary, market-driven basis, while broadcasters continue to deliver current-generation digital television (“DTV”) broadcast service to viewers, using the ATSC 1.0 standard.³

¹ Each of the ABC Television Affiliates Association, CBS Television Network Affiliates Association, FBC Television Affiliates Association, and NBC Television Affiliates is a non-profit trade association whose members consist of local television broadcast stations throughout the United States that are each affiliated with its respective broadcast television network.

² *Authorizing Permissive Use of the “Next Generation” Broadcast Television Standard*, GN Docket No. 16-142, Notice of Proposed Rulemaking, FCC 17-13, 32 FCC Rcd 1670 (rel. Feb. 24, 2017).

³ NPRM, ¶ 1.

In response to the NPRM, dozens of commenters have voiced support for the Commission's proposal to effectuate a wholly voluntary, market-driven approach to begin exploring the wealth of consumer benefits heralded by the Next Generation TV standard. Consistent with their prior comments supporting issuance of the NPRM,⁴ which are reiterated here, the Affiliates Associations join those commenters in urging prompt Commission action on the NPRM to facilitate the initial transition to ATSC 3.0 in coordination with the post-spectrum auction repacking.

I

The ATSC 3.0 Standard Represents an Opportunity for the Commission to Promote Innovation That Benefits Consumers

The adoption of the new ATSC 3.0 standard by the Advanced Television Systems Committee presents the Commission with an opportunity to facilitate significant technical and service enhancements to the free, over-the-air television broadcast service for the benefit of American television viewers. No commenter contests these considerable benefits.⁵

The benefits to American consumers of the deployment of the ATSC 3.0 transmission standard are, indeed, substantial. The opportunity for the development of new services, as well as

⁴ Reply Comments of the ABC Television Affiliates Association, CBS Television Network Affiliates Association, FBC Television Affiliates Association, and NBC Television Affiliates, GN Docket No. 16-142 (June 27, 2016).

⁵ See, e.g., Comments of Verizon, GN Docket No. 16-142 (May 9, 2017), at 1 (“Consumers benefit from bold and continued innovation in communications services ...”); Comments of AT&T, GN Docket No. 16-142 (May 9, 2017), at 3 (“[T]he ATSC 3.0 standard could enable broadcasters to offer new services ... in addition to their core broadcasting functionality.”); Comments of GatesAir, Inc., GN Docket No. 16-142 (May 9, 2017), at 1 (“GatesAir is an ardent supporter of the new standard, which will bring an overall better television viewing experience to the American public.... [It] is designed to facilitate new and innovative business models.”); Comments of LG Electronics, Inc., GN Docket No. 16-142 (May 9, 2017), at 1 (“The ATSC 3.0 standard has the potential to transform the nature of broadcasting, resulting in myriad benefits to the public.”).

the improvement and enrichment of current services, is exciting and ought to move the Commission to act expeditiously. The NPRM and the numerous supporting comments filed in this proceeding outline the many benefits to consumers and viewers of the ATSC 3.0 standard, including:

1. Increased vibrancy of over-the-air signals, with improved reception on both home as well as mobile and handheld devices.
2. Dramatic improvements in picture and sound quality, including (a) high dynamic range (“HDR”) video that dramatically expands both contrast and color range, and (b) an immersive audio experience with consumer-friendly opportunities to personalize audio.
3. Opportunities for an unprecedented degree of viewer personalization and interactivity, including the ability to access secondary content, alternate versions of primary content, and user-generated content.
4. Support for customizable and even multiple views of the same program, on a single or multiple screens, including panoramic views and capacity for panning, zooming, and camera angle selection.
5. Geo-targeting of news, weather, public interest, sports, and other programming to better serve the viewing public.
6. Potentially life-saving advances in emergency alerting, including receiver “wake up” functionality, localization filtering of emergency alerts, and the capacity for more efficient communication among first responders, public safety officials, news media, and the viewing public.⁶

⁶ See, e.g., America’s Public Television Stations, the AWARN Alliance, the Consumer Technology Association, and the National Association of Broadcasters, Joint Petition Rulemaking, GN Docket No. 16-142 (Apr. 13, 2016) at ii-iii, 4-6; Comments of GatesAir, Inc., GN Docket No. 16-142 (May 9, 2017), at 1 (“ATSC 3.0 has the potential to save lives by enabling advanced emergency alerting....”); Comments of AWARN, GN Docket No. 16-142 (May 9, 2017), at 2-3 (describing how ATSC 3.0 has the potential to foster major new capabilities in emergency communications by enabling features in consumer devices such as geo-targeting, personalization and interactivity, mobile penetration, and two-way communications); Comments of Nextstar Broadcasting, Inc., GN Docket No. 16-142 (May 9, 2017), at 2-3 (example of need for enhanced emergency alert capabilities in “Tornado Alley” service area).

The above list is not exhaustive, as the very nature of technology innovation is to drive the delivery of services that benefit consumers not envisioned today. The ATSC 3.0 standard would spur the development of new products and services for the benefit of the public.

Notwithstanding today's fragmented video marketplace, local television remains a highly-valued service by consumers who desire access to local news, weather, sports, public affairs, entertainment, emergency, and public safety information.⁷ The ability of viewers to access local information in a timely fashion remains the cornerstone of the nation's congressionally-mandated communications policy. The ability to strengthen, innovate, and enhance the ubiquitous services provided to consumers by local television stations will benefit every viewer in the country.

II

The Affiliates Associations Support a Voluntary, Market-Driven Phase-In System of Implementation That Is As Simple As Possible for All Involved

The Affiliates Associations agree with the NPRM's proposal to implement a system of voluntary adoption and deployment of the ATSC 3.0 standard. During an appropriate transition period, the Affiliates Associations support a simulcasting approach by which a station could elect to convert its facility to broadcast in ATSC 3.0, arrange for the transmission of its primary program stream as a multicast by another local station employing the existing ATSC 1.0 standard, and

⁷ See, e.g., Remarks of the FCC Chairman Ajit Pai at the National Association of Broadcasters Show (Apr. 25, 2017), *available at* https://apps.fcc.gov/edocs_public/attachmatch/DOC-344558A1.pdf ("The average amount of local news programming aired by commercial television stations has increased by over 40% since 2004. And this didn't occur because of government mandates. It occurred because broadcasters responded to consumer demand and competitive pressures"); Katerina Eva Matsa, *Local TV audiences bounce back*, Pew Research Center (Jan. 28, 2014) ("local TV remains a top news source for Americans, with almost three out of four U.S. adults (71%) watching local television news"), *available at* <http://www.pewresearch.org/fact-tank/2014/01/28/local-tv-audiences-bounce-back/>; Bob Pappas, RTDNA Research: The Business of TV News (May 16, 2016), *available at* http://www.rtdna.org/article/rtdna_research_the_business_of_tv_news.

reciprocate by transmitting the other local station's program stream in ATSC 3.0 as a multicast with its own station. Such a system will permit consumers to enjoy an uninterrupted transition to the ATSC 3.0 standard, while imposing no additional costs on MVPDs, who would not be obligated to carry a station's signal in the ATSC 3.0 format.

1. As urged in the comments submitted by ATSC 3.0 proponents, the Commission should allow the market, not overly prescriptive mandates, to drive the specifics of simulcasting arrangements. Contrary to the invitation of some commenters,⁸ there is no need for Commission requirements concerning such matters as service area, programming format, or programming content. A strict "simulcast" requirement to stream identical content is not necessary, nor is it technically feasible given the opportunities for new and unique content only available by using the ATSC 3.0 standard. The introduction of new requirements regarding programming format or content would only complicate the transition and impede the delivery of new and innovative services. As envisioned by the NPRM, ATSC 3.0 will be deployed initially for experimentation and innovation while ensuring that consumers continue to receive existing ATSC 1.0 broadcast services using existing equipment. Marketplace incentives are sufficient at this early, experimental stage to ensure that existing viewers are adequately served and do not lose coverage.⁹

⁸ See, e.g., Comments of Verizon, GN Docket No. 16-142 (May 9, 2017), at 11-12; Comments of AT&T, GN Docket No. 16-142 (May 9, 2017), at 3-12.

⁹ See, e.g., Comments of GatesAir, Inc., GN Docket No. 16-142 (May 9, 2017), at 6; Comments of Pearl TV, GN Docket No. 16-142 (May 9, 2017), at 2; Comments of America's Public Television Stations, the AWARN Alliance, the Consumer Technology Association, and the National Association of Broadcasters, GN Docket No. 16-142 (May 9, 2017), at 9-10 (describing strong market incentives of broadcasters to ensure viewers are served).

2. The Affiliates Associations support treating simulcasting as private contractual arrangements rather than as a model requiring new licensing.¹⁰ Contractual negotiations between participating broadcasters seeking to innovate with ATSC 3.0 should not be overly complicated by prescriptive regulatory mandates. And a channel-sharing licensing process—akin to the incentive auction channel-sharing rules—is not necessary because, unlike under the current channel-sharing rules, in the ATSC 3.0 context each participating station will continue to have separately-licensed transmission facilities. For ATSC 3.0 simulcasting arrangements, the FCC should simply require broadcasters to file a notification with the Commission, and the Commission could reflect those arrangements on each respective station’s existing license so that a station’s existing license would cover both (i) its transmission facilities (including its own programming broadcast thereon) and (ii) its simulcast programming stream transmitted by its simulcasting partner.¹¹ Each station would therefore have regulatory responsibility for its own transmission facilities and programming streams that it originates, thereby addressing the legal and regulatory issues concerning responsibility for hosted programming. This approach would resolve the issue identified by the Commission in the NPRM regarding noncommercial educational (“NCE”) stations serving as host stations for commercial licensees, since an NCE “host” station would not have responsibility for another station’s programming stream that is simulcast by the NCE

¹⁰ NPRM, ¶ 15 (“At a minimum, we believe that the broadcaster would need to modify its TV station service class We propose that these modifications be treated as minor modifications.”) & ¶¶ 16-21 (discussing “licensing” and “multicasting” approaches).

¹¹ See Comments of Pearl TV, GN Docket No. 16-142 (May 9, 2017), at 2; Comments of America’s Public Television Stations, the AWARN Alliance, the Consumer Technology Association, and the National Association of Broadcasters, GN Docket No. 16-142 (May 9, 2017), at 15. See also Comments of Public Media Company, GN Docket No. 16-142 (May 9, 2017), at 4.

station—rather, the simulcast programming would be attributed to the originator of that programming as part of the originating station’s license.

3. The Affiliates Associations also agree that no special rules are necessary to protect the timely implementation of the ongoing repacking of television broadcast spectrum.¹² Indeed, authorizing broadcasters to implement the ATSC 3.0 standard in connection with the repacking of the television bands following the spectrum auction will result in obvious consumer benefits as well as economic and timing efficiencies. First, allowing broadcasters to implement the Next Generation standard simultaneously with the repack will help minimize consumer disruption and confusion by enabling broadcasters to promote the potential new service enhancements afforded by the new standard while at the same time educating consumers about how to continue receiving their broadcast signals after the repack. Improved viewing experiences and other technological enhancements for consumers, such as those afforded by ATSC 3.0, are an important key to a successful technical transition—a lesson learned during the DTV transition. Moreover, deploying the new standard in coordination with the post-auction repacking will allow stations to minimize costs and installations by choosing post-repacking equipment capable of broadcasting in the new standard. And the ability to synchronize the repack with the implementation of ATSC 3.0 would allow repacked broadcasters seeking to innovate with the new standard to minimize, or avoid altogether, a “one-two” punch of two successive technical transitions.

4. The Affiliates Associations support proposals to allow broadcasters to utilize vacant in-band channels to facilitate ATSC 3.0 deployment.¹³ While white spaces advocates seek to

¹² See, e.g., Comments of GatesAir, Inc., GN Docket No. 16-142 (May 9, 2017), at 6 (“deployment of Next Generation will not impact the 39-month repacking schedule”).

¹³ See NPRM, ¶ 14.

maintain vacant channels for unlicensed use,¹⁴ such comments ignore the secondary service regulatory status of unlicensed white space operations. White spaces operation may not cause interference to authorized users of the television band and must accept any interference received.¹⁵ Indeed, the Commission has stated that the future use of the television bands by broadcast users has priority over secondary white space users.¹⁶ Furthermore, allowing broadcasters to use vacant channels will expand the opportunities for the implementation of ATSC 3.0, create more flexibility and options for preserving coverage and signal quality for simulcast operations, reduce viewer disruption during the transition, and therefore help to encourage and promote the innovation promised by Next Generation technologies. In particular, use of vacant in-band channels would help ensure that public broadcasters are able to participate in the transition to Next Generation technology.¹⁷

III

The Commission Should Reject Efforts to Derail Broadcast Innovation Through the Introduction of Retransmission Consent Issues Into This Proceeding

The Commission should decline the invitation of MVPD commenters to expand the scope of this proceeding to encompass various retransmission consent issues.¹⁸ These oft-repeated

¹⁴ See, e.g., Comments of Wi-Fi Alliance, GN Docket No. 16-142 (May 10, 2017).

¹⁵ See 47 C.F.R. § 15.5.

¹⁶ See e.g., *Unlicensed Operation in the TV Broadcast Bands*, ET Docket No. 04-186, Second Report and Order and Memorandum Opinion and Order, FCC 08-260, 23 FCC Rcd 16807, ¶ 50 (2008) (“[F]uture broadcast uses of the television band will have the right to interference protection from TV band devices.”); *Amendment of Parts 15, 73 and 74 of the Commission’s Rules*, MB Docket No. 15-146, Statement of Commissioner Ajit Pai, FCC 15-68, 30 FCC Rcd 6711 (2015) (“Of course, the primary users of the band (fullpower television stations) should be prioritized over secondary users of the band (unlicensed white space devices).”).

¹⁷ See Comments of the Public Broadcasting Service, Corporation for Public Broadcasting, and America’s Public Televisions Stations, GN Docket No. 16-142 (May 9, 2017), at 9-11; Comments of Public Media Company, GN Docket No. 16-142 (May 9, 2017), at 6-7.

¹⁸ See, e.g., Comments of American Cable Association, GN Docket No. 16-142 (May 9, 2017), at 10-18; Comments of DISH Network LLC, GN Docket No. 16-142 (May 9, 2017), at 4-

complaints about marketplace negotiations have no place in this proceeding, given that MVPDs will not be required to carry ATSC 3.0 signals. Broadcasters seek to bring the benefits of Next Generation TV to consumers. If MVPDs desire to offer their subscribers access to the improved picture and features ATSC 3.0 will provide, they can work with broadcasters to facilitate the delivery of this programming on mutually-acceptable terms. No law or rule, however, would require them to do so.

The record in this proceeding reflects agreement of the parties that MVPD carriage obligations should remain unchanged during the deployment of ATSC 3.0 technology. Broadcasters electing must-carry rights will maintain those rights only for their ATSC 1.0 signals. For those electing retransmission consent, carriage issues will be resolved by marketplace negotiations. The Commission should not accept the invitation of some commenters and confuse the issues of mandatory carriage of ATSC 3.0 with the question of retransmission consent for those signals. MVPDs are never under any obligation to carry any station or signal pursuant to retransmission consent. If they choose to do so, the federal government should not intervene as to the terms or conditions of such negotiated retransmission. Given that ATSC 3.0 deployment will be voluntary and market-driven and that no rule would require MVPDs to carry ATSC 3.0 signals, it is inappropriate—or at the very least premature—for the Commission to consider regulating retransmission consent related to those signals.

6; Comments of Verizon, GN Docket No. 16-142 (May 9, 2017), at 8-11; Comments of AT&T, GN Docket No. 16-142 (May 9, 2017), at 16-18.

Conclusion

For the foregoing reasons, the Affiliates Associations respectfully urge the Commission to expeditiously move forward to adopt and implement rules that would permit television stations to voluntarily choose to operate using the ATSC 3.0 transmission standard.

Respectfully submitted,

**ABC TELEVISION AFFILIATES
ASSOCIATION,
CBS TELEVISION NETWORK
AFFILIATES ASSOCIATION
FBC TELEVISION AFFILIATES
ASSOCIATION
NBC TELEVISION AFFILIATES**

/s/

Mark J. Prak
Coe W. Ramsey
Julia Ambrose
BROOKS, PIERCE, MCLENDON,
HUMPHREY & LEONARD, L.L.P.
Wells Fargo Capitol Center, Suite 1700
150 Fayetteville Street
Raleigh, N.C. 27601
Telephone: (919) 839-0300

*Counsel for the ABC Television Affiliates
Association and the
NBC Television Affiliates*

/s/

John Feore
Cooley LLP
1299 Pennsylvania Avenue, N.W.
Suite 700
Washington, D.C. 20004
Telephone: (202) 842-7800

*Counsel for the CBS Television
Network Affiliates Association and the
FBC Television Affiliates Association*

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